

ASSEMBLY, No. 2915

STATE OF NEW JERSEY

219th LEGISLATURE

INTRODUCED FEBRUARY 20, 2020

Sponsored by:
Assemblyman JAY WEBBER
District 26 (Essex, Morris and Passaic)

SYNOPSIS

Permits juveniles to be admitted to drug court program under certain circumstances.

CURRENT VERSION OF TEXT

As introduced.



1 AN ACT concerning juveniles and amending N.J.S.2C:35-14.

2

3 **BE IT ENACTED** by the Senate and General Assembly of the State
4 of New Jersey:

5

6 1. N.J.S.2C:35-14 is amended to read as follows:

7 2C:35-14. Rehabilitation Program for Drug and Alcohol
8 Dependent Persons Subject to a Presumption of Incarceration or a
9 Mandatory Minimum Period of Parole Ineligibility; Criteria for
10 Imposing Special Probation; Ineligible Offenders; Commitment to
11 Residential Treatment Facilities or Participation in a Nonresidential
12 Treatment Program; Presumption of Revocation; Brief Incarceration
13 in Lieu of Permanent Revocation.

14 a. Any person who is ineligible for probation due to a
15 conviction for a crime which is subject to a presumption of
16 incarceration or a mandatory minimum period of parole ineligibility
17 may be sentenced to a term of special probation in accordance with
18 this section, and may not apply for drug and alcohol treatment
19 pursuant to N.J.S.2C:45-1. Notwithstanding the provisions of
20 section 24 of P.L.1982, c.77 (C.2A:4A-43), a juvenile who has been
21 adjudicated delinquent and is subject to a term of incarceration or a
22 mandatory minimum period of parole ineligibility may be sentenced
23 to a term of special probation in accordance with this section.

24 Nothing in this section shall be construed to prohibit a person who
25 is eligible for probation in accordance with N.J.S.2C:45-1 due to a
26 conviction for an offense which is not subject to a presumption of
27 incarceration or a mandatory minimum period of parole ineligibility
28 from applying for drug or alcohol treatment as a condition of
29 probation pursuant to N.J.S.2C:45-1; provided, however, that a
30 person in need of treatment as defined in subsection f. of section 2
31 of P.L.2012, c.23 (C.2C:35-14.2) shall be sentenced in accordance
32 with that section. Notwithstanding the presumption of incarceration
33 pursuant to the provisions of subsection d. of N.J.S.2C:44-1,
34 whenever a drug or alcohol dependent person who is subject to
35 sentencing under this section is convicted of or is a juvenile who
36 has been adjudicated delinquent for an offense, other than one
37 described in subsection b. of this section, the court, upon notice to
38 the prosecutor, may, on motion of the person, or on the court's own
39 motion, place the person on special probation, which shall be for a
40 term of five years, provided that the court finds on the record that:

41 (1) the person has undergone a professional diagnostic
42 assessment to determine whether and to what extent the person is
43 drug or alcohol dependent and would benefit from treatment; and

44 (2) the person is a drug or alcohol dependent person within the
45 meaning of N.J.S.2C:35-2 and was drug or alcohol dependent at the
46 time of the commission of the present offense; and

**EXPLANATION – Matter enclosed in bold-faced brackets [thus] in the above bill is
not enacted and is intended to be omitted in the law.**

Matter underlined thus is new matter.

1 (3) the present offense was committed while the person was
2 under the influence of a controlled dangerous substance, controlled
3 substance analog or alcohol or was committed to acquire property
4 or monies in order to support the person's drug or alcohol
5 dependency; and

6 (4) substance use disorders treatment and monitoring will serve
7 to benefit the person by addressing the person's drug or alcohol
8 dependency and will thereby reduce the likelihood that the person
9 will thereafter commit another offense; and

10 (5) the person did not possess a firearm at the time of the
11 present offense and did not possess a firearm at the time of any
12 pending criminal charge; and

13 (6) the person has not been previously convicted on two or more
14 separate occasions of crimes of the first or second degree, other
15 than those listed in paragraph (7); or the person has not been
16 previously convicted on two or more separate occasions, where one
17 of the offenses is a crime of the third degree, other than crimes
18 defined in N.J.S.2C:35-10, and one of the offenses is a crime of the
19 first or second degree; and

20 (7) the person has not been previously convicted or adjudicated
21 delinquent for, and does not have a pending charge of murder,
22 aggravated manslaughter, manslaughter, kidnapping, aggravated
23 assault, aggravated sexual assault or sexual assault, or a similar
24 crime under the laws of any other state or the United States; and

25 (8) a suitable treatment facility licensed and approved by the
26 Division of Mental Health and Addiction Services in the
27 Department of Human Services is able and has agreed to provide
28 appropriate treatment services in accordance with the requirements
29 of this section; and

30 (9) no danger to the community will result from the person
31 being placed on special probation pursuant to this section.

32 In determining whether to sentence the person pursuant to this
33 section, the court shall consider all relevant circumstances, and
34 shall take judicial notice of any evidence, testimony or information
35 adduced at the trial, plea hearing or other court proceedings, and
36 shall also consider the presentence report and the results of the
37 professional diagnostic assessment to determine whether and to
38 what extent the person is drug or alcohol dependent and would
39 benefit from treatment. The court shall give priority to a person
40 who has moved to be sentenced to special probation over a person
41 who is being considered for a sentence to special probation on the
42 court's own motion or in accordance with the provisions of section
43 2 of P.L.2012, c.23 (C.2C:35-14.2).

44 As a condition of special probation, the court shall order the
45 person to enter a residential treatment program at a facility licensed
46 and approved by the Division of Mental Health and Addiction
47 Services in the Department of Human Services or a program of
48 nonresidential treatment by a licensed and approved treatment

1 provider, which program may include the use of medication-
2 assisted treatment as defined in paragraph (7) of subsection f. of
3 this section, to comply with program rules and the requirements of
4 the course of treatment, to cooperate fully with the treatment
5 provider, and to comply with such other reasonable terms and
6 conditions as may be required by the court or by law, pursuant to
7 N.J.S.2C:45-1, and which shall include periodic urine testing for
8 drug or alcohol usage throughout the period of special probation. In
9 determining whether to order the person to participate in a
10 nonresidential rather than a residential treatment program, the court
11 shall follow the procedure set forth in subsection j. of this section.
12 Subject to the requirements of subsection d. of this section, the
13 conditions of special probation may include different methods and
14 levels of community-based or residential supervision.

15 b. A person shall not be eligible for special probation pursuant
16 to this section if the person is convicted of or adjudicated
17 delinquent for:

18 (1) a crime of the first degree;

19 (2) a crime of the first or second degree enumerated in
20 subsection d. of section 2 of P.L.1997, c.117 (C.2C:43-7.2), other
21 than a crime of the second degree involving N.J.S.2C:15-1
22 (robbery) or N.J.S.2C:18-2 (burglary);

23 (3) a crime, other than that defined in section 1 of
24 P.L.1987, c.101 (C.2C:35-7), for which a mandatory minimum
25 period of incarceration is prescribed under chapter 35 of this Title
26 or any other law; or

27 (4) an offense that involved the distribution or the conspiracy or
28 attempt to distribute a controlled dangerous substance or controlled
29 substance analog to a juvenile near or on school property.

30 c. (Deleted by amendment, P.L.2012, c.23)

31 d. Except as otherwise provided in subsection j. of this section,
32 a person convicted of or adjudicated delinquent for a crime of the
33 second degree or of a violation of section 1 of P.L.1987, c.101
34 (C.2C:35-7), or who previously has been convicted of or
35 adjudicated delinquent for an offense under subsection a. of
36 N.J.S.2C:35-5 or a similar offense under any other law of this State,
37 any other state or the United States, who is placed on special
38 probation under this section shall be committed to the custody of a
39 residential substance abuse disorders treatment facility licensed and
40 approved by the Division of Mental Health and Addiction Services
41 in the Department of Human Services. Subject to the authority of
42 the court to temporarily suspend imposition of all or any portion of
43 the term of commitment to a residential treatment facility pursuant
44 to subsection j. of this section, the person shall be committed to the
45 residential treatment facility immediately, unless the facility cannot
46 accommodate the person, in which case the person shall be
47 incarcerated to await commitment to the residential treatment
48 facility. The term of such commitment shall be for a minimum of

1 six months, or until the court, upon recommendation of the
2 treatment provider, determines that the person has successfully
3 completed the residential treatment program, whichever is later,
4 except that no person shall remain in the custody of a residential
5 treatment facility pursuant to this section for a period in excess of
6 five years. Upon successful completion of the required residential
7 treatment program, the person shall complete the period of special
8 probation, as authorized by subsection a. of this section, with credit
9 for time served for any imprisonment served as a condition of
10 probation and credit for each day during which the person
11 satisfactorily complied with the terms and conditions of special
12 probation while committed pursuant to this section to a residential
13 treatment facility. Except as otherwise provided in subsection l. of
14 this section, the person shall not be eligible for early discharge of
15 special probation pursuant to N.J.S.2C:45-2, or any other provision
16 of the law. The court, in determining the number of credits for time
17 spent in residential treatment, shall consider the recommendations
18 of the treatment provider. A person placed into a residential
19 treatment facility pursuant to this section shall be deemed to be
20 subject to official detention for the purposes of N.J.S.2C:29-5
21 (escape).

22 e. The probation department or other appropriate agency
23 designated by the court to monitor or supervise the person's special
24 probation shall report periodically to the court as to the person's
25 progress in treatment and compliance with court-imposed terms and
26 conditions. The treatment provider shall promptly report to the
27 probation department or other appropriate agency all significant
28 failures by the person to comply with any court imposed term or
29 condition of special probation or any requirements of the course of
30 treatment, including but not limited to a positive drug or alcohol
31 test, which shall only constitute a violation for a person using
32 medication-assisted treatment as defined in paragraph (7) of
33 subsection f. of this section if the positive test is unrelated to the
34 person's medication-assisted treatment, or the unexcused failure to
35 attend any session or activity, and shall immediately report any act
36 that would constitute an escape. The probation department or other
37 appropriate agency shall immediately notify the court and the
38 prosecutor in the event that the person refuses to submit to a
39 periodic drug or alcohol test or for any reason terminates the
40 person's participation in the course of treatment, or commits any act
41 that would constitute an escape.

42 f. (1) Upon a first violation of any term or condition of the
43 special probation authorized by this section or of any requirements
44 of the course of treatment, the court in its discretion may
45 permanently revoke the person's special probation.

46 (2) Upon a second or subsequent violation of any term or
47 condition of the special probation authorized by this section or of
48 any requirements of the course of treatment, the court shall, subject

1 only to the provisions of subsection g. of this section, permanently
2 revoke the person's special probation unless the court finds on the
3 record that there is a substantial likelihood that the person will
4 successfully complete the treatment program if permitted to
5 continue on special probation, and the court is clearly convinced,
6 considering the nature and seriousness of the violations, that no
7 danger to the community will result from permitting the person to
8 continue on special probation pursuant to this section. The court's
9 determination to permit the person to continue on special probation
10 following a second or subsequent violation pursuant to this
11 paragraph may be appealed by the prosecution.

12 (3) In making its determination whether to revoke special
13 probation, and whether to overcome the presumption of revocation
14 established in paragraph (2) of this subsection, the court shall
15 consider the nature and seriousness of the present infraction and any
16 past infractions in relation to the person's overall progress in the
17 course of treatment, and shall also consider the recommendations of
18 the treatment provider. The court shall give added weight to the
19 treatment provider's recommendation that the person's special
20 probation be permanently revoked, or to the treatment provider's
21 opinion that the person is not amenable to treatment or is not likely
22 to complete the treatment program successfully.

23 (4) If the court permanently revokes the person's special
24 probation pursuant to this subsection, the court shall impose any
25 sentence that might have been imposed, or that would have been
26 required to be imposed, originally for the offense for which the
27 person was convicted or adjudicated delinquent. The court shall
28 conduct a de novo review of any aggravating and mitigating factors
29 present at the time of both original sentencing and resentencing. If
30 the court determines or is required pursuant to any other provision
31 of this chapter or any other law to impose a term of imprisonment,
32 the person shall receive credit for any time served in custody
33 pursuant to N.J.S.2C:45-1 or while awaiting placement in a
34 treatment facility pursuant to this section, and for each day during
35 which the person satisfactorily complied with the terms and
36 conditions of special probation while committed pursuant to this
37 section to a residential treatment facility. The court, in determining
38 the number of credits for time spent in a residential treatment
39 facility, shall consider the recommendations of the treatment
40 provider.

41 (5) Following a violation, if the court permits the person to
42 continue on special probation pursuant to this section, the court
43 shall order the person to comply with such additional terms and
44 conditions, including but not limited to more frequent drug or
45 alcohol testing, as are necessary to deter and promptly detect any
46 further violation.

47 (6) Notwithstanding any other provision of this subsection, if
48 the person at any time refuses to undergo urine testing for drug or

1 alcohol usage as provided in subsection a. of this section, the court
2 shall, subject only to the provisions of subsection g. of this section,
3 permanently revoke the person's special probation.
4 Notwithstanding any other provision of this section, if the person at
5 any time while committed to the custody of a residential treatment
6 facility pursuant to this section commits an act that would constitute
7 an escape, the court shall forthwith permanently revoke the person's
8 special probation.

9 (7) An action for a violation under this section may be brought
10 by a probation officer or prosecutor or on the court's own motion.
11 Failure to complete successfully the required treatment program
12 shall constitute a violation of the person's special probation. An
13 action for a violation under this section may be brought by a
14 probation officer or prosecutor or on the court's own motion.
15 Failure to complete successfully the required treatment program
16 shall constitute a violation of the person's special probation. In the
17 case of the temporary or continued management of a person's drug
18 or alcohol dependency by means of medication-assisted treatment
19 as defined herein, whenever supported by a report from the
20 treatment provider of existing satisfactory progress and reasonably
21 predictable long-term success with or without further medication-
22 assisted treatment, the person's use of the medication-assisted
23 treatment, even if continuing, shall not be the basis to constitute a
24 failure to complete successfully the treatment program. A person
25 who fails to comply with the terms of the person's special probation
26 pursuant to this section and is thereafter sentenced to imprisonment
27 in accordance with this subsection shall thereafter be ineligible for
28 entry into the Intensive Supervision Program, provided however
29 that this provision shall not affect the person's eligibility for entry
30 into the Intensive Supervision Program for a subsequent conviction.

31 As used in this section, the term "medication-assisted treatment"
32 means the use of any medication approved by the federal Food and
33 Drug Administration to treat substance use disorders, including
34 extended-release naltrexone, methadone, and buprenorphine, in
35 combination with counseling and behavioral therapies, to provide a
36 whole-patient approach to the treatment of substance use disorders.

37 g. When a person on special probation is subject to a
38 presumption of revocation on a second or subsequent violation
39 pursuant to paragraph (2) of subsection f. of this section, or when
40 the person refuses to undergo drug or alcohol testing pursuant to
41 paragraph (6) of subsection f. of this section, the court may, in lieu
42 of permanently revoking the person's special probation, impose a
43 term of incarceration for a period of not less than 30 days nor more
44 than six months, after which the person's term of special probation
45 pursuant to this section may be reinstated. In determining whether
46 to order a period of incarceration in lieu of permanent revocation
47 pursuant to this subsection, the court shall consider the
48 recommendations of the treatment provider with respect to the

1 likelihood that such confinement would serve to motivate the
2 person to make satisfactory progress in treatment once special
3 probation is reinstated. This disposition may occur only once with
4 respect to any person unless the court is clearly convinced that there
5 are compelling and extraordinary reasons to justify reimposing this
6 disposition with respect to the person. Any such determination by
7 the court to reimpose this disposition may be appealed by the
8 prosecution. Nothing in this subsection shall be construed to limit
9 the authority of the court at any time during the period of special
10 probation to order a person on special probation who is not subject
11 to a presumption of revocation pursuant to paragraph (2) of
12 subsection f. of this section to be incarcerated over the course of a
13 weekend, or for any other reasonable period of time, when the court
14 in its discretion determines that such incarceration would help to
15 motivate the person to make satisfactory progress in treatment.

16 h. The court, as a condition of its order, and after considering
17 the person's financial resources, shall require the person to pay that
18 portion of the costs associated with the person's participation in any
19 residential or nonresidential treatment program imposed pursuant to
20 this section which, in the opinion of the court, is consistent with the
21 person's ability to pay, taking into account the court's authority to
22 order payment or reimbursement to be made over time and in
23 installments.

24 i. The court shall impose, as a condition of the special
25 probation, any fine, penalty, fee or restitution applicable to the
26 offense for which the person was convicted or adjudicated
27 delinquent.

28 j. Where the court finds that a person has satisfied all of the
29 eligibility criteria for special probation and would otherwise be
30 required to be committed to the custody of a residential substance
31 abuse disorders treatment facility pursuant to the provisions of
32 subsection d. of this section, the court may temporarily suspend
33 imposition of all or any portion of the term of commitment to a
34 residential treatment facility and may instead order the person to
35 enter a nonresidential treatment program, provided that the court
36 finds on the record that:

37 (1) the person conducting the diagnostic assessment required
38 pursuant to paragraph (1) of subsection a. of this section has
39 recommended in writing that the proposed course of nonresidential
40 treatment services is clinically appropriate and adequate to address
41 the person's treatment needs; and

42 (2) no danger to the community would result from the person
43 participating in the proposed course of nonresidential treatment
44 services; and

45 (3) a suitable treatment provider is able and has agreed to
46 provide clinically appropriate nonresidential treatment services.

47 If the prosecutor objects to the court's decision to suspend the
48 commitment of the person to a residential treatment facility

1 pursuant to this subsection, the sentence of special probation
2 imposed pursuant to this section shall not become final for ten days
3 in order to permit the appeal by the prosecution of the court's
4 decision.

5 After a period of six months of nonresidential treatment, if the
6 court, considering all available information including but not
7 limited to the recommendation of the treatment provider, finds that
8 the person has made satisfactory progress in treatment and that
9 there is a substantial likelihood that the person will successfully
10 complete the nonresidential treatment program and period of special
11 probation, the court, on notice to the prosecutor, may permanently
12 suspend the commitment of the person to the custody of a
13 residential treatment program, in which event the special
14 monitoring provisions set forth in subsection k. of this section shall
15 no longer apply.

16 Nothing in this subsection shall be construed to limit the
17 authority of the court at any time during the term of special
18 probation to order the person to be committed to a residential or
19 nonresidential treatment facility if the court determines that such
20 treatment is clinically appropriate and necessary to address the
21 person's present treatment needs.

22 k. (1) When the court temporarily suspends the commitment
23 of the person to a residential treatment facility pursuant to
24 subsection j. of this section, the court shall, in addition to ordering
25 participation in a prescribed course of nonresidential treatment and
26 any other appropriate terms or conditions authorized or required by
27 law, order the person to undergo urine testing for drug or alcohol
28 use not less than once per week unless otherwise ordered by the
29 court. The court-ordered testing shall be conducted by the
30 probation department or the treatment provider. The results of all
31 tests shall be reported promptly to the court and to the prosecutor.
32 If the person is involved with a program that is providing the person
33 medication-assisted treatment as defined in paragraph (7) of
34 subsection f. of this section, only a positive urine test for drug or
35 alcohol use unrelated to the medication-assisted treatment shall
36 constitute a violation of the terms and conditions of special
37 probation. In addition, the court shall impose appropriate curfews
38 or other restrictions on the person's movements, and may order the
39 person to wear electronic monitoring devices to enforce such
40 curfews or other restrictions as a condition of special probation.

41 (2) The probation department or other appropriate agency shall
42 immediately notify the court and the prosecutor in the event that the
43 person fails or refuses to submit to a drug or alcohol test, knowingly
44 defrauds the administration of a drug test, terminates the person's
45 participation in the course of treatment, or commits any act that
46 would constitute absconding from parole. If the person at any time
47 while entered in a nonresidential treatment program pursuant to
48 subsection j. of this section knowingly defrauds the administration

1 of a drug test, goes into hiding or leaves the State with a purpose of
2 avoiding supervision, the court shall permanently revoke the
3 person's special probation.

4 l. If the court finds that the person has made exemplary
5 progress in the course of treatment, the court may, upon
6 recommendation of the person's supervising probation officer or on
7 the court's own motion, and upon notice to the prosecutor, grant
8 early discharge from a term of special probation provided that the
9 person: (1) has satisfactorily completed the treatment program
10 ordered by the court; (2) has served at least two years of special
11 probation; (3) within the preceding 12 months, did not commit a
12 substantial violation of any term or condition of special probation,
13 including but not limited to a positive urine test, which shall only
14 constitute a violation for a person using medication-assisted
15 treatment as defined in paragraph (7) of subsection f. of this section
16 if the positive test is unrelated to the person's medication-assisted
17 treatment; and (4) is not likely to relapse or commit an offense if
18 probation supervision and related services are discontinued.

19 m. (1) The Superior Court may order the expungement of all
20 records and information relating to all prior arrests, detentions,
21 convictions, and proceedings for any offense enumerated in Title
22 2C of the New Jersey Statutes upon successful discharge from a
23 term of special probation as provided in this section, regardless of
24 whether the person was sentenced to special probation under this
25 section, section 2 of P.L.2012, c.23 (C.2C:35-14.2), or N.J.S.2C:45-
26 1, if the person satisfactorily completed a substance abuse treatment
27 program as ordered by the court and was not convicted of any
28 crime, or adjudged a disorderly person or petty disorderly person,
29 during the term of special probation. The provisions of N.J.S.2C:52-
30 7 through N.J.S.2C:52-14 shall not apply to an expungement
31 pursuant to this paragraph and no fee shall be charged to a person
32 eligible for relief pursuant to this paragraph. The court shall grant
33 the relief requested unless it finds that the need for the availability
34 of the records outweighs the desirability of having the person freed
35 from any disabilities associated with their availability, or it finds
36 that the person is otherwise ineligible for expungement pursuant to
37 paragraph (2) of this subsection. An expungement under this
38 paragraph shall proceed in accordance with rules and procedures
39 developed by the Supreme Court.

40 (2) A person shall not be eligible for expungement under
41 paragraph (1) of this subsection if the records include a conviction
42 for any offense barred from expungement pursuant to subsection b.
43 or c. of N.J.S.2C:52-2. It shall be the obligation of the prosecutor to
44 notify the court of any disqualifying convictions or any other
45 factors related to public safety that should be considered by the
46 court when deciding to grant an expungement under paragraph (1)
47 of this subsection.

1 (3) The Superior Court shall provide a copy of the expungement
2 order granted pursuant to paragraph (1) of this subsection to the
3 prosecutor and to the person and, if the person was represented by
4 the Public Defender, to the Public Defender. The person or, if the
5 person was represented by the Public Defender, the Public Defender
6 on behalf of the person, shall promptly distribute copies of the
7 expungement order to appropriate agencies who have custody and
8 control of the records specified in the order so that the agencies may
9 comply with the requirements of N.J.S.2C:52-15.

10 (4) If the person whose records are expunged pursuant to
11 paragraph (1) of this subsection is convicted of any crime following
12 discharge from special probation, the full record of arrests and
13 convictions may be restored to public access and no future
14 expungement shall be granted to such person.

15 (5) A person who, prior to the effective date of P.L.2015, c.261,
16 was successfully discharged from a term of special probation as
17 provided in this section, regardless of whether the person was
18 sentenced to special probation under this section, section 2 of
19 P.L.2012, c.23 (C.2C:35-14.2), or N.J.S.2C:45-1, may seek an
20 expungement of all records and information relating to all arrests,
21 detentions, convictions, and proceedings for any offense
22 enumerated in Title 2C of the New Jersey Statutes that existed at
23 the time of discharge from special probation by presenting an
24 application to the Superior Court in the county in which the person
25 was sentenced to special probation, which contains a duly verified
26 petition as provided in N.J.S.2C:52-7 for each crime or offense
27 sought to be expunged. The petition for expungement shall proceed
28 pursuant to N.J.S.2C:52-1 et seq. except that the requirements
29 related to the expiration of the time periods specified in
30 N.J.S.2C:52-2 through section 1 of P.L.1980, c.163 (C.2C:52-4.1)
31 shall not apply. A person who was convicted of any offense barred
32 from expungement pursuant to subsection b. or c. of N.J.S.2C:52-2,
33 or who has been convicted of any crime or offense since the date of
34 discharge from special probation shall not be eligible to apply for
35 an expungement under this paragraph. In addition, no application
36 for expungement shall be considered until any pending charges are
37 disposed. It shall be the obligation of the prosecutor to notify the
38 court of any disqualifying convictions or any other factors related to
39 public safety that should be considered by the court when deciding
40 to grant an expungement under this paragraph. The Superior Court
41 shall consider the person's verified petition and may order the
42 expungement of all records and information relating to all arrests,
43 detentions, convictions, and proceedings of the person that existed
44 at the time of discharge from special probation as appropriate. The
45 court shall grant the relief requested unless it finds that the need for
46 the availability of the records outweighs the desirability of having
47 the person freed from any disabilities associated with their

1 availability, or it finds that the person is otherwise ineligible for
2 expungement pursuant to this paragraph. No fee shall be charged to
3 a person eligible for relief pursuant to this paragraph.
4 (cf: P.L.2015, c.261, s.1)

5
6 2. This act shall take effect immediately.

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8

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STATEMENT

10

11 This bill permits juveniles to be admitted into special probation,
12 which is commonly referred to as the drug court program, under
13 certain circumstances.

14 Under current law, a person may be admitted into drug court if
15 the person was convicted of a crime that has a presumption of
16 incarceration or a minimum period of parole ineligibility and if the
17 person also meets certain eligibility criteria.

18 Under the provisions of this bill, juveniles who are adjudicated
19 delinquent and subject to a term of incarceration or a minimum term
20 of parole ineligibility may be admitted into drug court if the
21 juvenile meets the eligibility criteria.